

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES	:	MDL Docket No. 1148
PRODUCTS LIABILITY	:	
LITIGATION	:	This Document Relates
	:	To All Cases

CASE MANAGEMENT ORDER No. 3
DESIGNATION of PLAINTIFFS' LEAD COUNSEL,
LIAISON COUNSEL and PLAINTIFFS' STEERING COMMITTEE

AND NOW, this 6th day of May, 1997, upon conference, the following is ordered:

I. Lead Counsel

A. David S. Shrager, Esq. is designated plaintiffs' Lead Counsel.

B. Duties and Responsibilities: As Lead Counsel, Mr. Shrager shall be responsible for coordinating plaintiffs' activities throughout pretrial proceedings.

He shall:

1. Present to the Court and opposing parties plaintiffs' position on all pretrial matters, after consultation with Plaintiffs' Steering Committee or its Executive Committee, as appropriate;

2. Coordinate all discovery on behalf of plaintiffs consistent with this Court's Case Management Orders and Fed. R. Civ. P. 26(b)(1), (2), and (g), including interrogatories, requests for production of documents, and depositions;

3. Conduct settlement negotiations on behalf of plaintiffs and enter agreements to the extent expressly authorized;

4. Delegate tasks to other counsel as needed;
5. Enter into stipulations, with opposing counsel;
6. Prepare and distribute to the parties periodic status reports;
7. Maintain time and disbursement records covering his services as lead counsel;
8. Monitor activities of co-counsel for efficiency, economy, and compliance with Court orders; and
9. Perform such other duties as may be necessary to coordinate plaintiffs' pretrial activities or as authorized by further order of Court.

Any counsel for plaintiffs who disagrees with Lead Counsel, or those acting on his behalf, or who have individual or divergent positions may make written and oral argument, conduct examination of deponents, and otherwise act separately, as appropriate. However, they shall not repeat or make, ask, or take substantially the same arguments, questions, or actions as Lead Counsel or those acting on his behalf.

II. Liaison Counsel

A. Dianne M. Nast, Esq. is designated plaintiffs' Liaison Counsel.

B. Duties and Responsibilities: As plaintiffs' Liaison Counsel, Ms. Nast shall:

1. Maintain and distribute to co-counsel and to other Liaison Counsel an up-to-date service list;

2. Receive and distribute to co-counsel orders from the Court and documents from opposing parties and counsel, as appropriate;

3. Establish and maintain a document depository; and

4. Maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party, except such documents as may be available at the document depository.

III. Composition of Plaintiffs' Steering Committee (PSC)

A. Membership

Plaintiffs' Steering Committee (PSC) shall consist of the following members:¹

1. Lauren S. Antonino, Esq.
2. Thomas H. Bleakley, Esq.
3. Martis Ann Brachtel, Esq.
4. Edward W. Gale, Esq.
5. Robert K. Jenner, Esq.
6. Ralph I. Knowles, Jr., Esq.
7. Alan K. Laufman, Esq.
8. Herbert Monheit, Esq.
9. Dianne M. Nast, Esq.
10. Joseph W. Phebus, Esq.

1. Applications may be considered for appointment once a tag-along case has become part of MDL No. 1148.

11. Paul D. Rheingold, Esq.
12. Howell K. Rosenberg, Esq.
13. David S. Shrager, Esq.

B. Chairperson

Mr. Shrager is designated PSC chairperson.

C. Term

Members of the PSC agree and are expected to serve for the duration of this litigation or until such time as the Court makes a change in the length or other terms of service. The Court may decide to enlarge or reduce the size of the Committee depending upon the course of the litigation.

D. Personal Appointment

Members of the Committee have been selected because of the personal contribution they are offering and are expected to make. Each member shall help achieve the goals set by the Court, and the Court will consider each member's contribution in determining appropriate compensation for service on the Committee. While members may require the assistance of colleagues, paralegals, support staff, and others to fulfill Committee assignments, it is the member who shall be ultimately responsible for the activities performed by the Committee.

E. Duties and Responsibilities

1. As soon as practicable, the Committee members shall be convened and organized under the leadership of its chairperson. By Wednesday, May 7, 1997, an Executive Committee shall be selected and proposed for Court approval.

2. By Monday, May 26, 1997, a PSC report will be submitted that includes a description of the Committee's organization and an allocation of functions as between the Committee of the whole and the Executive Committee. The report shall set forth a plan covering pleadings; motions; discovery; pretrial preparation; settlement; and administration of the PSC as pertains to discovery, docket management, exhibit and discovery depository, communication with individual plaintiffs and their counsel, liaison with defendants; Court appearances; and any other divisions of work.

3. The report shall include:

A. Suggested procedures for the maintenance of Committee minutes, books, records, and files;

B. A statement containing a pro forma estimate of litigation expenditures and costs for services and supplies and for other functions of the Committee;

C. The source(s) of the Committee's funding;

D. A proposal to submit periodic financial reports to the Court and other means for auditing the financial activities of the Committee.²

E. The Committee's estimate and description of its space, equipment and facility needs.

F. Any other matter that will facilitate an understanding of the Committee's organizational plans and projected activities.

2. Financial data may be submitted in camera.

Edmund V. Ludwig, J.